IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS INSOLVENCY JURISDICTION

NOTICE OF MOTION NO.171 OF 2006
IN
INSOLVENCY NOTICE NO.N/190 OF 2006

Re: Smt. Jaya Monish alia Mohnish Gupta & Ors.
..Judgment Debtors.

Ex-parte:
SICOM Limited ..Judgment Creditor.

...

Mr. P.V. Shah for the Petitioning Creditor.
Mr. D.T. Palekar i/b Lambay & Co. for Judgment Debtor No.4.

....

CORAM: DR. D.Y. CHANDRACHUD, J.

7th November, 2006.

P.C. :

This Notice of Motion has been taken out for setting aside an insolvency notice dated 8th September, 2006. The Motion has been taken out by Judgment Debtor No.4. The insolvency notice is based on a judgment and decree dated 30th March, 2006 of this Court in Miscellaneous Petition 3 of 2003 (SICOM Limited v. Smt.Jaya Monish Gupta & Ors.) as rectified on 17th July, 2006. While the appeal against the decree has been admitted on 4th August, 2006, the Division Bench, while making the Notice of Motion for interim stay returnable after four weeks has specifically

declined ad interim reliefs. In that view of the matter, the execution of the decree has not been stayed. In the circumstances, no case has been made out for setting aside the insolvency notice. The Motion is disposed of.